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 1              UNITED STATES DISTRICT COURT

 2            NORTHERN DISTRICT OF CALIFORNIA

 3               SAN FRANCISCO DIVISION

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 6    ORACLE AMERICA, INC.,    )

 7           Plaintiff,     )

 8        vs.                ) No. CV 10-03561 WHA

 9    GOOGLE, INC.,          )

10           Defendant.    )

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13       -- HIGHLY CONFIDENTIAL, ATTORNEYS' EYES ONLY --

14

15       Videotaped Federal Rule 30(b)(6), Topic 7,

16       deposition of PATRICK BRADY, taken at the Law

17       Offices of King & Spalding LLP, 333 Twin Dolphin

18       Drive, Redwood Shores, California, commencing at

19       9:36 a.m., Thursday, July 21, 2011, before

20       Leslie Rockwood, RPR, CSR No. 3462.

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25    PAGES 1 - 133
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EXHIBIT K

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 1              MR. KAMBER:  Object to the form.

 2              THE WITNESS:  Again, I don't know enough

 3   about the dexopt tool to know if it was installed.

 4         Q.  BY MR. MUINO:  Do you have any reason to

 5   think that it wasn't installed on the HTC Magic?        10:05:12

 6              MR. KAMBER:  Object to the form.

 7              THE WITNESS:  I don't know enough about it to

 8   know one way or another.

 9         Q.  BY MR. MUINO:  Was the Zygote process

10   installed on the HTC Magic?                             10:05:23

11              MR. KAMBER:  Object to the form.

12              THE WITNESS:  The Zygote process -- a process

13   itself wasn't installed.  A process runs, but, yes, my

14   understanding was the Zygote process was used or ran on

15   that device.                                            10:05:37

16         Q.  BY MR. MUINO:  Did HTC make any changes to

17   the Dalvik Virtual Machine on the HTC Magic?

18         A.  I don't know.

19         Q.  Was that something that you or your team

20   looked at in the final version of the Magic?            10:05:52

21         A.  Well, we don't get the source code back after

22   HTC makes changes, so it's not something we can look at.

23         Q.  Do you get back a sample of the final phone?

24         A.  We do.

25         Q.  And does your -- do you perform any tests on   10:06:09
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EXHIBIT K

1   that device?

2   A. We do. Most of these tests are black box

3   tests, so we -- on Android handsets, when we get them

4   back, we ensure that the Google applications run

5   correctly. We do some limited compatibility testing, but   10:06:26

6   most of the tests are actually done by the handset

7   manufacturer themselves. We provide a suite of tests

8   that they're able to run on their own and just submit a

9   report to Google.

10   Q. Did HTC make any changes to the dexopt tool   10:06:53

11   on the HTC Magic?

12   A. I don't know.

13   Q. Other than the prototype device -- HTC

14   prototype device that you testified to before, the HTC

15   Dream and the HTC Magic, were there any other HTC Android   10:07:09

16   devices that your team worked with HTC on?

17   A. Yes.

18   (Bruce Baber enters deposition room.)

19   Q. BY MR. MUINO: Which ones?

20   A. And HTC shipped a lot of them.   10:07:26

21   Q. And at this point, Mr. Brady, I would ask

22   that you just list all the ones that you remember.

23   A. In 2009 I believe the HTC Hero, the HTC

24   Tattoo. This may have been -- again, it may have been

25   somewhat in 2010. The -- in that time frame, those are   10:07:44

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1   the Zygote process at start up, yes.

2   Q.   BY MR. MUINO: Did HTC make any changes to

3   the Dalvik Virtual Machine on the HTC Hero?

4   A.   I have no idea.

5   Q.   Do you have any reason one way or the other   10:09:56

6   to believe that they made any changes to the Dalvik

7   Virtual Machine?

8   A.   I have no knowledge of either way. They made

9   extensive changes to the platform, covering virtually all

10   components. So it would not surprise me if they did make   10:10:12

11   changes to the Dalvik Virtual Machine.

12   Q.   What changes to the HTC Hero did HTC make to

13   the Android code on the HTC here?

14   MR. KAMBER: Object to the form, asked and

15   answered.   10:10:32

16   THE WITNESS: As mentioned earlier, extensive

17   changes all over the platform. They changed the entire

18   user interface. They changed the way memory was

19   allocated, the way disk space was allocated. They

20   changed the way processes were started and the priorities   10:10:47

21   of different processes.

22   They changed the browser. They changed --

23   they added several new features to the device. They

24   changed the entire networking stack. That's -- and

25   again, those are changes -- those are only the changes we   10:11:10

                                                    Page 28

EXHIBIT K

```
1    know about, because they needed some assistance with

2    those.

3            Q.  BY MR. MUINO:  None of those are changes,

4    though, to the Dalvik Virtual Machine installed on the

5    device, as far as you're aware?                    10:11:21

6            A.  None of those --

7                MR. KAMBER:  Object to the form.

8                THE WITNESS:  None of those changes listed,

9    correct.  Again, we -- as we don't get the source code

10   back from HTC, we have no way of knowing really what they   10:11:34

11   change on the platform unless they specifically tell us.

12           Q.  BY MR. MUINO:  Did HTC specifically tell you

13   of any changes made to the -- to the Hero, to the Dalvik

14   Virtual Machine in the Hero?

15           A.  To the Dalvik Virtual Machine?             10:11:57

16           Q.  Uh-huh.

17           A.  I don't remember whether or not HTC told us

18   of any changes specifically to the Dalvik Virtual

19   Machine.

20           Q.  I'm scrolling back, Mr. Brady, to find the    10:12:13

21   last HTC device that you mentioned, but can you just tell

22   me what it was?

23           A.  I think it was the HTC Tattoo.

24           Q.  Tattoo.  Okay.

25               With respect to the HTC Tattoo, was the       10:12:25
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EXHIBIT K

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1              MR. KAMBER:  Object to the form.

2              THE WITNESS:  I believe that the Zygote

3    process was capable of running on the HTC Tattoo.

4         Q.  BY MR. MUINO:  To your knowledge, did HTC

5    make any changes to the Dalvik Virtual Machine installed    10:13:52

6    on the HTC Tattoo?

7              MR. KAMBER:  Object to the form.

8              THE WITNESS:  I don't know one way or the

9    other if HTC made any changes to the Dalvik Virtual

10   Machine.                                                    10:14:07

11        Q.  BY MR. MUINO:  Same question with respect to

12   the dexopt tool.

13        A.  I don't know.

14        Q.  Same question with respect to the Zygote

15   process.                                                    10:14:20

16             MR. KAMBER:  Same objection.

17             THE WITNESS:  I don't remember specifically.

18        Q.  BY MR. MUINO:  Okay.  I hadn't anticipated

19   this line of questioning would go quite so long, so I'm

20   going to show you, actually, the 30(b)(6) deposition         10:14:32

21   notice before I go on with more questioning in this area.

22   I'm going to mark this as Exhibit 256.

23             (Exhibit PX256 was marked for

24             identification.)

25        Q.  BY MR. MUINO:  Mr. Brady, have you seen this        10:15:11
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EXHIBIT K

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1   pretty extensive modification.

2   Q.   Are you aware of any changes that Samsung

3   made to the Dalvik Virtual Machine installed on the

4   Galaxy S?

5   A.   I don't know -- I don't know if changes were   10:36:30

6   installed on the Galaxy S.   We don't really have a way of

7   knowing, because I don't believe Samsung told us.   I do

8   know that Samsung had a team of engineers working on

9   changes to the Dalvik Virtual Machine.

10   Q.   You don't know what those changes were,   10:36:50

11   though, if any?

12   A.   Again, it was -- they were working on the way

13   bytecode was interpreted or compiled on the device.   So

14   they worked on an ahead of time compiler, adjustment time

15   compiler, but I don't know -- I don't know the specifics   10:37:06

16   of those changes, and I don't know if those changes

17   shipped on any devices.   I don't believe anyone at Google

18   would know that.

19   Q.   Are you aware that Samsung made any changes

20   to the dexopt tool installed on the Galaxy S?   10:37:21

21   A.   I don't know if the dexopt tool was installed

22   on the Galaxy S or not, and I don't know if Samsung made

23   any changes to that.   No, I don't.

24   Q.   Do you know of any changes that Samsung made

25   to the Zygote process on the Galaxy S?   10:37:39

EXHIBIT K

1   A.   I don't recall specific changes to that.   But

2   I don't know.

3   Q.   Let's move to the Galaxy S2.   Was the Android

4   platform installed on the Galaxy S2?

5   A.   I believe it was.   10:38:00

6   Q.   The work that your team did in connection

7   with the Galaxy S2, was it the same as you've described

8   before?

9   A.   Yes.

10   MR. KAMBER: Objection to form.   10:38:07

11   Q.   BY MR. MUINO: Was the Dalvik Virtual Machine

12   installed on the Galaxy S2?

13   MR. KAMBER: Object to the form.

14   THE WITNESS: I have no reason to believe

15   that it was not.   10:38:16

16   Q.   BY MR. MUINO: Do you know whether Samsung

17   made any changes to the Dalvik Virtual Machine on the

18   Galaxy S2?

19   A.   I believe they did.   They likely must have,

20   but I don't know the specifics.   10:38:27

21   Q.   And what's the basis for your understanding

22   on that?

23   A.   The Galaxy S2 is a duel-core processor.   And

24   the version of Android that was running on the Galaxy

25   S2 -- or the version of Android that Google had open   10:38:45

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EXHIBIT K

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1   sourced and Samsung had used was not designed for duel

2   core processors and so would have required some

3   significant changes to the entire operating system,

4   including the Dalvik Virtual Machine, I believe, to be

5   able to operate correctly on those devices.   10:39:07

6   Q.   Was the dexopt tool installed on the Galaxy

7   S2?

8   MR. KAMBER: Objection to form.

9   THE WITNESS: I don't know.

10   Q. BY MR. MUINO: Was the Zygote process   10:39:19

11   capability installed on Galaxy S2?

12   MR. KAMBER: Objection. Form.

13   THE WITNESS: I have no reason to believe it

14   would not be.

15   Q. BY MR. MUINO: Do you know if Samsung made   10:39:28

16   any changes to the Zygote process capability installed on

17   the Galaxy S2?

18   A. I don't know.

19   Q. The next phone that you mentioned is Nexus S.

20   Was that a joint project between Google and Samsung to   10:39:45

21   develop that phone?

22   A. It was.

23   Q. And was that phone -- strike that.

24   What work did Google do in connection with

25   developing the Nexus S?   10:40:02

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EXHIBIT K

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1   question.

2   Q.   BY MR. MUINO: Were there any differences

3   between the Dalvik Virtual Machine as installed on the

4   Nexus S and the Dalvik Virtual Machine that's

5   available -- that Google makes available open source on   10:41:19

6   the Git repository?

7   MR. KAMBER: Object to form.

8   THE WITNESS: I don't know specifically.

9   Q.   BY MR. MUINO: Are you aware of any such

10 changes?   10:41:28

11 A.   I'm not aware of changes.

12 Q.   Do you know if there were any changes made to

13 the Zygote process capability between what was installed

14 on the Nexus S and what's available Open Source through

15 the Git repository?   10:41:42

16 A.   I'm not aware of any changes, but I don't

17 know.

18 Q.   What work did Samsung do in connection with

19 the Nexus S?

20 A.   On the Nexus S it's running on a proprietary   10:42:06

21 Samsung silicon chip set, and so Samsung did extensive

22 work to -- to -- how to put it?   Writing drivers, porting

23 Android, essentially, to their chip set or making their

24 chip set work with Android.   I believe they also wrote

25 the interaction with the radio, so the radio interface   10:42:36

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EXHIBIT K

1   layer. I'm -- so basically, you know, that level of

2   work, getting it to run on their hardware.

3   Q. The Android code installed on Nexus S was

4   entirely Google's work; is that right?

5   MR. KAMBER: Object to the form.   10:42:57

6   THE WITNESS: No. As I'm saying, Samsung did

7   work to be able to, you know, support Android on their

8   platform. The -- I would say it's fair to characterize

9   the bulk of the Android code -- it depends on what you

10   classify as Android. But the Android code, say, that was   10:43:15

11   shared in Open Source, would be -- most of that would

12   have been provided by Google and some other third parties

13   outside of Google and Samsung.

14   Q. BY MR. MUINO: Did Samsung make any changes

15   to the Dalvik Virtual Machine installed on the Nexus S?   10:43:33

16   A. None that I'm aware of.

17   Q. Did Samsung make any changes to the Zygote

18   process capability on the Nexus S?

19   A. Not that I'm aware of.

20   Q. With respect to the dexopt tool, are you   10:43:48

21   aware that the dexopt tool is installed on any Android

22   phones?

23   A. Again --

24   MR. KAMBER: Object to the form.

25   THE WITNESS: I don't know enough about the   10:44:10

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EXHIBIT K

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1   Q.   And 2.3 is Gingerbread?

2   A.   Yes.

3   Q.   Does the Tab run the Honeycomb platform or

4   version?

5   A.   It does not currently.   10:45:36

6   Q.   What work did Google do in connection with

7   the Galaxy Tab?

8   A.   Similar to the work we did on the other

9   devices.

10   Q.   Is the Dalvik Virtual Machine installed on   10:45:52

11   the Galaxy Tab?

12   MR. KAMBER: Objection to form.

13   THE WITNESS: I have -- I have no way of

14   knowing specifically, but I have no reason to believe

15   it's not.   10:46:05

16   Q.   BY MR. MUINO: Did Samsung make any changes

17   to the Dalvik Virtual Machine, to your knowledge, on the

18   Galaxy Tab?

19   A.   I don't know.

20   Q.   Is the dexopt tool installed on the Galaxy   10:46:18

21   Tab?

22   MR. KAMBER: Objection to form.

23   THE WITNESS: I don't know.

24   Q.   BY MR. MUINO: I'll stop asking that

25   question.   10:46:28

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```
1    code on Ally.

2           Q.   What changes are you aware of?

3           A.   I don't remember specifics.  But very -- very

4    similar to -- to Samsung or HTC.  They would be changing

5    many, many components in the system.                    11:05:48

6           Q.   Did LG change the Dalvik Virtual Machine

7    installed on the LG Ally?

8           A.   Did they change -- I don't know.

9           Q.   Did LG change the Zygote process capability

10   installed on the Ally?                                  11:06:11

11          A.   I don't know.

12          Q.   With respect to the LG Optimus, you said

13   there were lots of variants of the Optimus?

14          A.   Yes.

15          Q.   What kind of device is the Optimus?         11:06:27

16          A.   The Optimus One or Optimus Z -- Optimus is a

17   brand name that LG uses.  But there was a phone version

18   and then there was the Optimus pad, which is a -- a

19   tablet version.

20          Q.   With respect to the phone version of the LG  11:06:46

21   Optimus, was the Android platform installed on the phone

22   version of the LG Optimus?

23          A.   Some version of the Android platform from LG

24   was installed, yes.

25          Q.   What work did Google do with LG on the LG    11:07:03
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EXHIBIT K

```
 1    Optimus phone?

 2            A.   Similar to all of the other devices.

 3            Q.   Is the Dalvik Virtual Machine installed on

 4    the LG Optimus phone?

 5            A.   To the -- I don't know specifically, but to      11:07:18

 6    the best of my knowledge, some -- like, the Android

 7    platform, some version of the -- of a Dalvik Virtual

 8    Machine from LG, yeah.

 9            Q.   Is the dexopt tool installed on the LG

10    Optimus phone?                                                11:07:32

11            MR. KAMBER:   Object to the form.

12            THE WITNESS:   I don't know specifically.

13            Q.   BY MR. MUINO:   Is the Zygote process

14    capability installed on the LG Optimus phone?

15            A.   Similar to the platform in Dalvik, I would       11:07:41

16    assume some version of a Zygote process from LG is

17    installed on the phone.

18            Q.   Are you aware of any changes that LG has made

19    to the Android code on the Optimus phone?

20            A.   Again, similar to the Ally and others.          11:07:53

21    They -- yes, they made extensive changes.

22            Q.   Do you know if LG made any changes to the

23    Dalvik Virtual Machine on the Optimus phone?

24            A.   Again, similar to the Samsung Galaxy S II, on

25    some versions of the Optimus device they must have made      11:08:11
```

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EXHIBIT K

1   changes. Because again, it -- some versions of those run

2   a dual-core processor, which the version of Android, as

3   provided in the Open Source Project, is not -- is not

4   written to support dual-core processors, so --

5   Q.   Other than your awareness of the fact that   11:08:33

6   the phone has a dual-core processor, do you have any

7   specific basis for thinking that LG made any changes to

8   the Dalvik Virtual Machine on the Optimus phone?

9   A.   Other than the fact that it has a dual-core

10   processor, my knowledge is when -- when Google was doing   11:08:50

11   work as part of the next release to support dual-core

12   processors, we did extensive work on the Dalvik Virtual

13   Machine -- the version of the Dalvik Virtual Machine that

14   we were working on.

15   And so my -- my understanding is that anyone   11:09:06

16   who wanted to run a Dalvik Virtual Machine on a dual-core

17   processor architecture would need to make these changes

18   to avoid some serious consequences.

19   (Mr. Baber leaves deposition room.)

20   Q. BY MR. MUINO: Did LG make any changes to the   11:09:31

21   Zygote process capability on the Optimus phone?

22   A. I don't know.

23   Q. Now, let's switch to the LG Optimus pad, the

24   tablet. Is Android installed on the Optimus pad?

25   A. Again, a version of Android from LG is   11:09:49

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EXHIBIT K

1   installed on the Optimus pad.

2   Q. What work did Google do in connection with

3   the Optimus pad?

4   A. Again, similar to the other devices, we

5   worked with -- with LG to resolve any issues that they   11:10:04

6   would have had getting Android up and running and running

7   compatibility tests and things like that.

8   Q. Is the Dalvik Virtual Machine installed on

9   the Optimus pad?

10   MR. KAMBER: Objection to form.   11:10:20

11   THE WITNESS: Some version of the Dalvik

12   Virtual Machine from LG, yeah, I would say is installed.

13   Q. BY MR. MUINO: Is the dexopt tool installed

14   on the Optimus pad?

15   MR. KAMBER: Objection to form.   11:10:31

16   THE WITNESS: I don't know.

17   Q. BY MR. MUINO: Is the Zygote process

18   capability installed on the Optimus pad?

19   MR. KAMBER: Objection to form.

20   THE WITNESS: I would assume some version of   11:10:38

21   the Zygote or of a Zygote capability is installed. Some

22   version from LG.

23   Q. BY MR. MUINO: Do you know whether LG made

24   any modifications to the Dalvik Virtual Machine on the

25   Optimus pad?   11:10:55

                                                    Page 59

EXHIBIT K

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1   A.   I do not know if they made any changes.

2   Q.   Do you know if LG made any changes to the

3   Zygote process capability on the Optimus pad?

4   A.   I do not know.   Again, we don't get the

5   source code back for these devices.   So looking from the   11:11:11

6   outside of a black box, it's nearly impossible to tell if

7   they made changes.

8   Q.   Did LG ever tell you that they were not using

9   the Dalvik Virtual Machine on one or more of their

10   Android devices?   11:11:35

11   MR. KAMBER: Object to the form.

12   THE WITNESS: I don't recall that LG ever

13   told us they were not installing a Dalvik Virtual Machine

14   on their devices.

15   Q.   BY MR. MUINO: Did HTC ever tell you that   11:11:47

16   they weren't using a Dalvik Virtual Machine on any of

17   their devices?

18   MR. KAMBER: Object to the form.

19   THE WITNESS: I don't recall HTC saying they

20   were not going to use a Dalvik Virtual Machine on their   11:11:56

21   devices.

22   Q.   BY MR. MUINO: Did Samsung ever say that they

23   weren't going to use a Dalvik VM on any of their Android

24   devices?

25   MR. KAMBER: Object to the form.   11:12:04

                                                            Page 60

EXHIBIT K

1   MR. KAMBER: Object to the form.

2   THE WITNESS: I don't know specifically, but

3   I would assume a Dalvik Virtual Machine -- a version of a

4   Dalvik Virtual Machine from Motorola is on those devices.

5   Q. BY MR. MUINO: What work did Google do in   11:14:19

6   connection with each of the Droid Cliq, DEX, Titanium,

7   Droid X, Droid 2, Droid 3 and Droid Pro devices?

8   MR. KAMBER: Object to the form.

9   THE WITNESS: On the Motorola Droid, we --

10 again, that was a lead device like Nexus S. So Google   11:14:39

11 worked more closely with Motorola to -- to develop a new

12 version of an Android platform, which Motorola then used

13 to preload on the Motorola Droid.

14   On the other devices, it was all similar to

15 as stated before, basic technical support and helping   11:15:02

16 them resolve any issues.

17   Q. BY MR. MUINO: Leaving aside the Droid -- the

18 lead device for a moment, with respect to the Cliq, DEX,

19 Titanium, Droid X, Droid 2, Droid 3 or Droid Pro devices,

20 did Motorola make any changes to the Dalvik Virtual

21 Machine on those devices?

22   MR. KAMBER: Objection to form.

23   THE WITNESS: I don't know if they made any

24 changes to the version of the Dalvik Virtual Machine that

25 they installed on those devices.   11:15:38

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EXHIBIT K

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 1           Q.  BY MR. MUINO:  You don't have any reason to

 2     believe that they did?

 3               MR. KAMBER:  Objection to form.

 4               THE WITNESS:  I have no knowledge one way or

 5     the other.  Most of our partners do make extensive      11:15:49

 6     changes to the entire platform.  So again, I wouldn't be

 7     surprised if they did make changes.

 8           Q.  BY MR. MUINO:  But you don't know that they

 9     did?

10               MR. KAMBER:  Objection to form, asked and     11:15:59

11     answered.

12               THE WITNESS:  I don't know of specific

13     changes they made.

14           Q.  BY MR. MUINO:  With respect to the Cliq, DEX,

15     Titanium, Droid X, Droid 2, Droid 3 and Droid Pro       11:16:08

16     devices, do you know if Motorola made any changes to the

17     Zygote process capability on those devices?

18               MR. KAMBER:  Objection to form.

19               THE WITNESS:  I don't know one way or the

20     other whether they did.                                 11:16:26

21           Q.  BY MR. MUINO:  Going back now to the Droid

22     device, did Google develop the Android code for

23     installation on the Droid device?

24               MR. KAMBER:  Objection.  Form.

25               THE WITNESS:  Android's a large operating      11:16:44
```

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EXHIBIT K

1   system. And so the portions of the code in the Android

2   platform -- or the version that was installed on the

3   Motorola Droid, Google would have developed. And other

4   portions would have come from the Open Source community

5   for Motorola from, you know, other third parties.   11:17:01

6   Q. BY MR. MUINO: Does Google have the source

7   code -- the final source code that was installed on the

8   Droid phone as it went to market?

9   A. We don't have the entire source code. Again,

10   some portions of the system or -- of, you know, the   11:17:21

11   system as installed on these devices is provided in

12   binary form from third parties. And other portions we do

13   have the source code for.

14   Q. Okay. Google is aware that the Dalvik

15   Virtual Machine is certainly installed on the Droid   11:17:45

16   device?

17   MR. KAMBER: Objection to form.

18   THE WITNESS: A version of a Dalvik Virtual

19   Machine is installed on the Droid device.

20   Q. BY MR. MUINO: Did Motorola make any changes   11:17:53

21   to the Dalvik Virtual Machine installed on the Droid

22   device?

23   MR. KAMBER: Objection to form, asked and

24   answered.

25   THE WITNESS: I don't believe -- I don't   11:18:09

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EXHIBIT K

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1   know.   Again, the Motorola Droid, and this device also,

2   was shipped under various names.   It's also called the

3   Milestone and other things in various regions.

4   We -- Google has no way of knowing if they

5   made changes of really any component in the Android   11:18:23

6   platform for every one of those distributions.

7   For the one that we worked more closely with

8   them on in the U.S., I -- I do not believe they made

9   modifications.

10   Q.   BY MR. MUINO: Did Motorola make any changes   11:18:43

11   to the Zygote process capability installed on the Droid

12   devices?

13   A.   Same answer.   But it's -- it's -- we have no

14   way of knowing on each specific skew if they made changes

15   or not.   11:19:02

16   Q.   But you have no reason to believe that they

17   did?

18   MR. KAMBER: Objection to form.

19   THE WITNESS: I have no knowledge either way.

20   Q.   BY MR. MUINO: I think you may have   11:19:21

21   previously testified that -- correct me if I'm wrong, if

22   you didn't -- that Google receives sample Android devices

23   from OEMs.

24   A.   Yes, we do.

25   Q.   What does -- what does Google do with those   11:19:33

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EXHIBIT K

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 1    STATE OF CALIFORNIA      ) ss:

 2    COUNTY OF MARIN          )

 3

 4              I, LESLIE ROCKWOOD, CSR No. 3462, do hereby

 5    certify:

 6              That the foregoing deposition testimony was

 7    taken before me at the time and place therein set forth

 8    and at which time the witness was administered the oath;

 9              That testimony of the witness and all

10    objections made by counsel at the time of the examination

11    were recorded stenographically by me, and were thereafter

12    transcribed under my direction and supervision, and that

13    the foregoing pages contain a full, true and accurate

14    record of all proceedings and testimony to the best of my

15    skill and ability.

16              I further certify that I am neither counsel

17    for any party to said action, nor am I related to any

18    party to said action, nor am I in any way interested in

19    the outcome thereof.

20              IN WITNESS WHEREOF, I have subscribed my name

21    this 26th day of July, 2011.

22

23

24

25                 LESLIE ROCKWOOD, CSR. NO. 3462
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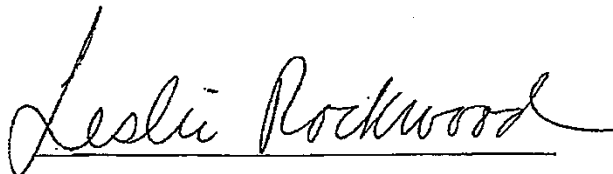
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EXHIBIT K